

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VERRAGIO, LTD.,

Plaintiff,

-against-

BAY HILL JEWELERS,

Defendant.

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: Case No. 18-cv-10140

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## : AFFIRMATION IN SUPPORT

**: OF REQUEST FOR**

## : CERTIFICATE OF DEFAULT

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**JOHN KENEALLY**, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that:

1. I am associated with the law firm of Windels, Marx, Lane & Mittendorf, LLP, attorneys for the plaintiff, Verragio, Ltd. (“Verragio”), and, as such, I am fully familiar with the facts set forth below.

2. On November 1, 2018, Verragio commenced this action against defendant, Bay Hill Jewelers (“Defendant”), and on November 5, 2018, a Summons was issued as to Defendant (Docket No. 5).

3. On November 14, 2018, the Complaint, Summons and all other initiating documents in this action were personally served on Defendant. A true and correct copy of the Affidavit of Service is annexed hereto as **Exhibit “A”**.

4. Defendant's response to the Complaint was due on or before December 5, 2018.


5. Defendant has not answered or otherwise moved with respect to the Complaint and the time for Defendant to do so has not been extended.

6. Defendant is not an infant, in the military or an incompetent person.

7. A proposed Certificate of Default is annexed hereto as **Exhibit "B"**.

**WHEREFORE**, plaintiff, Verragio, Ltd., requests that default of defendant, Bay Hill Jewelers, be noted and a certificate of default issued.

Executed on December 7, 2018.



JOHN H. KENEALLY